S.B. Civil Misc. Application No.71/2004)

Bhagwan Lal Dhobi vs. Tej Singh Kawadia.

DATE OF ORDER ::: FEBRUARY 24, 2005

HON'BLE MR. JUSTICE PRAKASH TATIA

Mr. P.S. Bhati, for the applicant.

Heard learned counsel for the applicant.

The present application has been filed by the applicant for extension of time as granted by this Court on 2.6.2004 in S.B.Civil Second Appeal No.139/2004 wherein this Court granted time to the applicant to file an undertaking within a period of two months from the date of order and for depositing the arrears of rent, if due, and to pay rent month by month so that the petitioner may not be evicted from the property in dispute till 31.5.2006.

According to learned counsel for the applicant, he came to know about the order after some time, therefore, he could not comply with the order dated 2.6.2004.

The notice was issued to the respondents which was

served upon the respondent but nobody appeared to oppose the appliation.

In view of the above, if the decree under challenge has not been executed by now, the applicant may comply with the order dated 2.6.2004 within a period of 15 days from today and in case, the decree has already been executed, concession granted in the order dated 2.6.2004 shall not revive to the petitioner on furnishing his undertaking or paying the rent now as ordered by the order dated 2.6.2004.

With these observations, this application is allowed.

(PRAKASH TATIA), J.

S.Phophaliya